

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**OBJECTION TO SPECIAL MASTER
RULING ON APPLE INC.'S
PRODUCTIONS OF RE-REVIEWED
PRIVILEGED DOCUMENTS**

The Honorable Thomas S. Hixson
San Francisco Courthouse
Courtroom E - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Magistrate Judge Hixson,

Pursuant to section 4 of the Joint Stipulation and Order Approving Privilege Re-Review Protocol (Dkt. 1092) (the “Protocol”), Apple respectfully submits the following Objection to certain of the Special Masters’ privilege determinations issued on May 12, 2025, regarding Apple’s production of re-reviewed and privileged documents. We are submitting this document for *in-camera* review contemporaneously with this filing.

Apple’s objection relates only to a document Apple believes is not already covered by Your Honor’s and Judge Gonzalez Rogers’ existing rulings on Apple’s privilege assertions in this post-judgment discovery. As previously noted, *see* Dkt. 1109, Apple reserves all rights as to documents affected by those rulings, including any post-judgment appellate rights.

Entry No. 7469 (PRIV-APL-EG 00223363)

Entry No. 7469 is a Slack message thread amongst several non-attorney Apple employees regarding projects related to compliance with foreign regulations. In the chat, a non-attorney lists several comments directed to the team, which he gathered by “having chatted with Legal this afternoon.” The comments are redacted. “[C]ommunications for the purpose of giving legal advice” are privileged, *Labbe v. Dometic Corp.*, 2023 WL 5672950, at *4 (E.D. Cal. Sept. 1, 2023), including communications by “nonlegal employees” that “discuss or transmit legal advice given by counsel.” *Dolby Lab’s Licensing Corp. v. Adobe Inc.*, 402 F. Supp. 3d 855, 866 (N.D. Cal. 2019); *see also Chrimar Sys. Inc. v. Cisco Sys. Inc.*, 2016 WL 1595785, at *3 (N.D. Cal. Apr. 21, 2016) (“A document that is not communicated between an attorney and a client may still be privileged as long as . . . [it] reflects legal advice rendered in a privileged conversation”). Because the employee was sharing legal advice received from counsel, the redacted portions of this document are privileged.

DATED: May 16, 2025

WEIL, GOTSHAL & MANGES LLP

By: /s/ Mark A. Perry

Counsel for Defendant Apple Inc.